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**COUNSEL FOR THE CHARITABLE DEFENDANTS**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re:** § **Case No. 19-34054-sgj11**

**HIGHLAND CAPITAL MANAGEMENT,  
L.P.,** § **Chapter 11**

**Debtor** §

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**MARC S. KIRSCHNER, AS §** **Adversary No. 21-03076-sgj**  
**LITIGATION TRUSTEE OF THE §**  
**LITIGATION SUB-TRUST §**

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Plaintiff,

vs.

JAMES D. DONDERO; MARK A. OKADA; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; FRANK WATERHOUSE; STRAND ADVISORS, INC.; NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST - EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST - EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST - EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST - EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; SAS ASSET RECOVERY, LTD.; AND CPCM, LLC,

Defendants.

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**CHARITABLE DEFENDANTS' WITNESS AND EXHIBIT LIST WITH RESPECT TO  
HEARING TO BE HELD ON MARCH 17, 2022**

CLO HoldCo, Ltd. ("CLO HoldCo"), Charitable DAF HoldCo, Ltd. ("DAF HoldCo"),

Charitable DAF Fund, L.P. ("DAF Fund"), and Highland Dallas Foundation ("HDF," together

with CLO HoldCo, DAF HoldCo, DAF Fund, and HDF, the “Charitable Defendants”) submit this witness and exhibit list with respect to the *Motion to Withdraw Reference* [Dkt. No. 59] (the “Motion to Withdraw Reference”), *Brief in Support* [Dkt No. 59-1] (“Brief in Support”), and *Reply in Support* (“Collectively. “Withdrawal Filings”) which the Court has set for status conference at 1:30 (Central Time) on March 17, 2022 (the “Status Conference”) in the above-captioned bankruptcy case (the “Bankruptcy Case”) [Dkt. No. 101].

**A. Witnesses:**

1. Louis M. Phillips, to the extent necessary to authenticate any document;
2. Any witness identified by or called by another party; and
3. Any witness necessary for rebuttal.

**B. Exhibits:**

Number	Exhibit	Offered	Admitted
1.	<i>Second Amended and Restated Service Agreement, Dated January 1, 2017</i> between Highland Capital Management, L.P. and Charitable DAF Fund, L.P., Charitable DAF GP		
2.	<i>Second Amended and Restated Investment Advisory Agreement</i> between Charitable DAF Fund, L.P., Charitable DAF GP, LLC, and Highland Capital Management, L.P.		
3.	Registration of Members of CLO HoldCo, Ltd.		
4.	<i>Termination of Second Amended and Restated Investment Advisory</i>		
5.	<i>Termination of Second Amended and Restated Service Agreement</i>		
6.	<i>Retained Causes of Action</i> [Bankruptcy Case, Dkt. No. 1875-3]		

Number	Exhibit	Offered	Admitted
7.	<i>Order (I) Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (II) Granting Related Relief [Bankruptcy Case, Dkt. No. 1943]</i>		
8.	<i>Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization [Bankruptcy Case, Dkt. No. 2700]</i>		
9.	<i>Omnibus Reply of the Litigation Trustee in support of Motion For Entry of an Order Authorizing the Examination of Rule 2004 Parties pursuant to Rule 2004 of the Federal Rules off Bankruptcy Procedure [Bankruptcy Case, Dkt. No. 2741]</i>		
10.	Any document entered or filed in the Bankruptcy Case, including exhibits thereto		
11.	All exhibits identified by or offered by any other party at the Hearing		

**Respectfully submitted:**

**KELLY HART PITRE**

/s/ Louis M. Phillips

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**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that a true and correct copy of the above and foregoing document and all attachments thereto were sent via electronic mail via the Court's ECF system to all parties authorized to receive electronic notice in this case on this March 14, 2022 , as well as provided to counsel via email for the Litigation Trustee in compliance with this Court's Local Rule 9014-1(c) and (d).

/s/ Louis M. Phillips  
Louis M. Phillips